

Notice of Allowability

Application No.

10/716,471

Examiner

GARCIA ADE

Applicant(s)

SANADA ET AL.

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3627

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/28/2007.
2. ☒ The allowed claim(s) is/are 31-33, 35-37 and 44-55.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

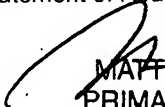
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

- ☐ Notice of Informal Patent Application
- ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____


MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

Response to Amendment

1. Applicants' amendment filed on November 28th, 2007 has been entered.

Accordingly, claims 31-33, 35-37 and 44-55 remain pending.

Examiner's Statement of reason for Allowance

2. The following is an examiner's statement of reasons for allowance:

The most relevant reference is the *Crawford* reference.

Crawford discloses a method for renting and charging for the use of the storage system comprising the steps of: providing the user with an initial volume of storage space of the storage system [see figure 1 (e.g. block 100 program storage, and figure 2 (e.g. block 210)], wherein the storage system held at the user's site has a management table (***Storage Charge Table 1010K***) which stores information regarding a state of use of disk drives [reads as ***peripheral management programs***, via block 204]; charging the user for use of the initial volume at a predetermined rate [via Program & Information Rental Services (e.g. block 210), column 15, lines 39 - 44]; providing an additional added volume of storage space of the storage system as needed by the user [see flowchart of figure 8B (e.g. blocks 456 - 462 provide a generic description of ***additional user request handling***)]; and charging the user for a portion of the additional volume that is actually used by the user at a first rate and charging the user for a remainder of the

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additional volume that is not actually used by the user at a second rate different from the first rate [see claim 43 (e.g. **a portion of a mass storage device associated with the customer's computing device to the service provider storage**), column 58, lines 44 – 54 (e.g. **storage usage charges assessed by the security programs into the Billing Data file** by matching Off-line Request begin and ending times)], wherein the owner of the storage system is notified when the user begins using a portion of the additional added volume [see section IX (e.g. Request Pending Table Occurs, Request, Date/Time, Estimated Completion, **Notify Method**)]

Crawford fails to disclose the renting of a storage system to a user such that the storage system is held at the user's site and then charging for renting of such storage.

The most relevant NPL reference is the *Computer Technology Review: First ISP, Then ASP Now SSP* article.

Updated searches revealed no references that disclosed the claimed invention, nor were any further references identified which could be reasonable combined with *Crawford*.

For this reason, claims 31, 44 and 50 are deemed to be allowable over prior art of record and claims 32-33, 35-37, 43-49, and 51-55 are allowed by dependency.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

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preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reason for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GARCIA ADE whose telephone number is (571)272-5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571.272.6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

Garcia Ade
Examiner
Art Unit 3627